

CHAPTER 216

CIVIL SERVICE COMMISSION IN CERTAIN CITIES

S. F. 310.

AN ACT to establish a civil service commission in cities organized under chapter fourteen-D (14-D), title five (V), supplemental supplement to the code, 1915, (compiled code, chap. 40, title XIII); prescribing the duties of the commission and providing for the hearing and determining of charges filed against employees.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Civil service commission—appointment—tenure—organization—removal. In cities organized under the provisions of chapter fourteen-D (14-D), title five (V), supplemental supplement to the code, 1915, (compiled code, Chap. 40, title XIII), and having a population of fifteen thousand (15,000) and over, the council shall, and in such cities having a population of two thousand (2,000) and less than fifteen thousand (15,000), the council may, by ordinance appoint three civil service commissioners, who shall hold office, one until the first Monday in April of the second year after his appointment, one until the first Monday in April of the fourth year after his appointment, and one until the first Monday in April of the sixth year after his appointment, and thereafter as a term expires an appointment shall be made for a period of six years; provided, however, that in all cases in which no civil service commissioners are appointed by the council, the council shall have the same powers and exercise and perform all the duties devolving upon such commissioners, as provided for in this act. The chairman of this commission for each biennial period shall be the member whose term first expires. No person while on the said commission shall hold or be a candidate for any office of public trust. Two of said members shall constitute a quorum to transact business. The commissioners must be citizens of Iowa, and residents of the state for more than three years next preceding their appointment. The council may, by a majority vote remove any of said commissioners during their term of office for cause, and shall fill any vacancy that may occur in said commission for the unexpired term. The city council shall provide suitable rooms in which the said civil service commission may hold its meetings. They shall have a clerk, who shall keep a record of all its proceedings, and the city shall supply said commission with all necessary equipment to properly attend to such business. Said commissioners shall receive no compensation.

SEC. 2. Oath of office. Before entering upon the duties of their office, each commissioner shall take and subscribe an oath which shall be filed and kept in the office of the city clerk, to support the constitution of the United States and the state of Iowa, and to obey the laws, and aim to fill and maintain honest and efficient departments, free from partisan distinction or control and to perform the duties of his office to the best of his ability.

SEC. 3. Examinations—list of eligibles—appointments. Such commission shall hold examinations for the purpose of determining the qualifications of applicants for positions in the fire and police

4 departments and such other departments as the city council may,
5 from time to time, by ordinance or resolution designate, which exam-
6 inations shall be held once a year and oftener if the same becomes
7 necessary and they shall be practical in their character and relate to
8 such matters as will fairly test the fitness of the person examined
9 to discharge the duties of the position to which he seeks to be appoint-
10 ed. Such commission shall, as soon as possible after the examina-
11 tions are held, prepare a list of eligibles for each department, which
12 lists shall show the ratings of each person as determined from the
13 examination and those persons having the highest rating shall appear
14 first upon said lists. Such lists of eligibles shall be preserved by the
15 clerk of the commission. New lists shall be prepared each year and
16 appointments made therefrom, except that the appointing officer may
17 make appointments from names appearing upon previous lists if he
18 desires to do so. All vacancies occurring in positions under civil serv-
19 ice shall be filled from the eligible lists thus prepared. When a vacancy
20 occurs the city manager shall notify the clerk of the commission
21 thereof. Whereupon said clerk shall certify to said manager the
22 names of three persons whose rating appear the highest upon the
23 eligible list, from which list the manager shall fill the vacancy. No
24 name shall be certified more than three times, and if the name of a
25 person is certified three times and he is not appointed, such name
26 shall be dropped from the eligible list. If the eligible list in any de-
27 partment shall be reduced to less than three, then the manager may
28 temporarily fill a vacancy until the next examination of the commis-
29 sion, but such temporary appointment shall cease and new appoint-
30 ment made when the new eligible list is prepared.

SEC. 4. **Removal or suspension of employees—notice—hear-**
1 **ing.** All persons subject to civil service, shall be subject to removal
2 from office or employment by the city manager for misconduct or
3 failure to properly perform their duties under such rules and regu-
4 lations as may be applied to each department. The chief of police,
5 the chief of the fire department, or any person in charge of a munic-
6 ipal department, may peremptorily suspend or discharge any sub-
7 ordinate under his control for neglect of duties, disobedience of
8 orders or misconduct, but it shall be his duty, within twenty-four
9 (24) hours thereafter, to report such suspension or discharge, with
10 the reasons therefor in writing to the city manager, who shall there-
11 upon investigate the truth of said charges. Before taking final action
12 upon any charges filed with him, the city manager shall notify, in
13 writing, the person charged of the nature of such charges and give
14 him five days within which to rebut or disprove the same and such
15 person shall be afforded all reasonable opportunity to present his evi-
16 dence to the manager before final action is taken. The manager shall
17 have authority to summon witnesses by subpoena and direct the pro-
18 duction of books and papers and have full control of the proceedings.
19 After the charges have been fully investigated, as herein provided,
20 the manager shall prepare a written report of his decision, which
21 report shall contain a summary of the evidence and his conclusion
22 therefrom. If the charges are sustained the manager shall either
23 suspend, discharge, reduce in rank or impose such punishment as he
24 may deem necessary or advisable. If said charges are not sustained
25 said party shall be reinstated. The accused party shall have the right

26 to petition the civil service commission in writing for a rehearing, if
 27 he is dissatisfied with the decision of the manager, which petition
 28 must be filed with the commission and the manager notified within five
 29 days from the time of the manager's decision is rendered. If no re-
 30 hearing is granted the decision of the manager shall be final and no
 31 appeal shall be taken therefrom. If a rehearing shall be granted by
 32 the commission, the same procedure shall be gone over before it, as
 33 was gone over before the manager and such decision shall be rendered
 34 by it as it thinks proper without reference to the previous decision
 35 made by the manager, and its decision shall be final and no appeal
 36 shall lie therefrom. In case such hearing shall be granted by the
 37 commission it shall then become the duty of the manager to carry out
 38 and enforce its decision.

1 **SEC. 5. Chief of police—fire department—appointments.** The
 2 manager shall appoint the chief of police and chief of the fire depart-
 3 ment and, as far as possible these appointments shall be made from
 4 residents of said city, but the tenure of any person holding such
 5 position at this time shall not be affected by this act; provided, how-
 6 ever, that such officer may be removed for cause in accordance with the
 7 provisions of the next preceding section. No person shall be employed
 8 in any capacity in the fire or police department, or any other depart-
 9 ment which is governed by civil service, unless he is a citizen of the
 10 United States, can read and write the English language, and in every
 11 other respect proves a fit and proper person for the position.

1 **SEC. 6. Political contributions.** No member of the fire or police
 2 department or any other municipal department in such city shall
 3 directly or indirectly contribute any money or anything of value to
 4 any candidate for nomination or election to any office or to any cam-
 5 paign or political committee. Any person violating any of the pro-
 6 visions of this section shall be deemed guilty of a misdemeanor and
 7 upon conviction shall pay a fine of not less than twenty-five dollars
 8 (\$25.00), nor more than one hundred dollars (\$100.00), or be im-
 9 prisoned in the county jail not to exceed thirty days.

Approved April 12, A. D. 1921.

CHAPTER 217

BOARD OF PAROLE

S. F. 323.

AN ACT to provide a permanent fund to be used under the direction of the board of parole for aid, in emergencies, of persons on parole.

Be it enacted by the General Assembly of the State of Iowa:

1 **SECTION 1. Men's parole relief fund.** That there is hereby es-
 2 tablished a fund of one thousand dollars to be known as the "Men's
 3 parole relief fund", to be kept by the treasurer of state and subject
 4 to the warrants of the chairman and secretary of the board of parole.

1 **SEC. 2. Women's parole relief fund.** That there also be es-
 2 tablished a fund of two hundred and fifty dollars to be known as the